

MICHIGAN PROFILE

May 2012

Hot Issues – Detroit Area

Issue: Detroit River Crossing/Ambassador Bridge – Detroit

Background/Status: There are two independent proposals to expand the busy Detroit-Windsor, Ontario, border crossing. One is the Detroit River International Crossing (DRIC), also known as the New International Trade Crossing. The other is the Ambassador Bridge Enhancement project. Michigan Gov. Snyder, the Federal Highway Administration, Michigan Department of Transportation, Transport Canada and the Ontario Ministry of Transportation back DRIC. The government entities formed the Bi-National Transportation Partnership. That group selected a bridge and plaza location in the Delray neighborhood of southwest Detroit in a record of decision. EPA reviewed the environmental impact statements, and the Agency's concerns about air quality were satisfied by clean diesel strategies and green building techniques.

Approvals by the Michigan Legislature and governor are needed before construction. The Canadian government has offered to pay Michigan's share (\$550 million) to be repaid through a greater share of toll revenues. The Michigan Legislature has not approved DRIC although the governor has pledged to get DRIC built, either with legislative support or through other unspecified means. U.S. DOT Secretary Ray LaHood is a strong advocate for DRIC. Canada began construction last year of the Windsor-Essex Parkway, a new freeway to link DRIC with the Canadian freeway system.

The Detroit International Bridge Co. owns and operates the Ambassador Bridge and presently enjoys a monopoly on truck freight crossing the border at Detroit-Windsor. The company has proposed a competing scheme, the Ambassador Bridge Enhancement project. The company wants to build a new twin span to its existing bridge. The twinning option was considered and rejected by the Bi-National Partnership due to community impacts and traffic congestion in Windsor. Both DRIC and the Ambassador Bridge Enhancement project will require a Coast Guard bridge permit. The bridge company is politically influential in the Michigan Legislature and has waged an extensive media campaign opposing DRIC, calling it a government boondoggle. The bridge company, however, has faced numerous legal and administrative issues. In 2010, the Coast Guard returned the permit application to the bridge company. In June 2009, the Coast Guard notified the company it was holding in abeyance any actions to complete the NEPA process and any decisions on the permit application for the twinning proposal.

The bridge company and the state had also entered into a partnership to implement the Ambassador Gateway project, which is intended to establish a direct link between Interstate 75 and the existing Ambassador Bridge and customs plaza and relieve congestion on city streets. But that plan went sour. Completion of the project has been delayed since 2008 by a dispute between the company and the state on the layout of ramps and other facilities. A Michigan court agreed with the state's position that the bridge company built structures that violate the agreed-upon plan and must be removed for the Gateway project to be completed. After two years of legal wrangling, this March the court took control of the Gateway project away from the bridge company, gave control to MDOT, and ordered the firm to set up a \$16 million fund for MDOT to use to complete the project. MDOT awarded contracts in April to complete the Gateway project, which should be finished this fall. Both the bridge company owner and its president were briefly jailed for contempt this January for failure to comply with the court order to complete Gateway. Another state court decision in 2010 found in favor of Detroit and ordered the bridge company to remove fencing and signage from Riverside Park, whose right-of-way the bridge company would need for its proposed twin bridge.

Messages:

- EPA reviewed the environmental impact statements for both new crossing alternatives.

MICHIGAN PROFILE

May 2012

- The Agency commented on the Final EIS for the Bi-national Partnership project in 2008, and EPA's concerns about air and water pollution were satisfied with commitments made to use clean diesel and green infrastructure techniques.
- If the Coast Guard revives the environmental review process for the Detroit International Bridge Co.'s proposal to twin the existing Ambassador Bridge, EPA will review pertinent documents.
- EPA is not a party to the legal disputes between the state and the bridge company or between the company and the city of Detroit.

Contacts: Ken Westlake, OECA, 312-886-2910, westlake.kenneth@epa.gov; Norm West, OECA, 312-353-5692, west.norman@epa.gov

Issue: EPA Involved in Reviewing Proposed Nuclear Power Generator – Monroe

Background/Status: DTE, formerly Detroit Edison, has proposed a new nuclear power generator unit ("Fermi III") at its existing Fermi Nuclear Power Plant on Lake Erie near Monroe, Michigan, between Toledo, Ohio, and Detroit. The plant has one active commercial reactor ("Fermi II") and a small inactive reactor ("Fermi I"). If built, Fermi III would be the first new nuclear generation unit in the Great Lakes region since the mid-1970s. Community reaction to the proposal to expand Fermi has been mixed, with some supporting the project due to new jobs and higher tax base, while others oppose nuclear power out of a concern for safety and long-term waste management.

The Nuclear Regulatory Commission is processing the license application for the new unit at Fermi. NRC issued the Draft Environmental Impact Statement under the National Environmental Policy Act in October 2011 for public review. EPA commented on the Draft EIS this January. Our key comments focused on radiation protection for construction workers, impacts to groundwater and surface water, and community impacts. After reviewing the draft EIS, EPA asked for more information from NRC and has been working closely with that agency to finish the review. NRC is expected to issue the Final EIS late this year, and EPA will comment on that as well. EPA will also review and comment on the Clean Water Act Section 404 dredge and fill permit applications to the Corps of Engineers and the state, and the application for the permit to construct in navigable waters under the Rivers and Harbors Act. The project will also need a revised Clean Water Act surface water discharge permit from the state, with EPA oversight. EPA's radiation program will also be involved in the environmental review of the project under the Clean Air Act.

Messages:

- EPA is committed to protecting human health and the environment as it reviews the environmental impact statement and various federal permits for the proposed reactor.

Contacts: Ken Westlake, NEPA, 312-886-2910, westlake.kenneth@epa.gov; Elizabeth Poole, NEPA, 312-353-2087, poole.elizabeth@epa.gov; Michael Murphy, ARD, 312-353-6686, murphy.michael@epa.gov; Melanie Haveman, Wetlands, 312-886-2255, haveman.melissa@epa.gov

Issue: HYPE Athletics Fields – Dearborn Heights

Background/Status: HYPE Athletics (Helping Youth Progress and Excel) received \$400,000 from Wayne County's Brownfield Revolving Loan Fund to remove contaminated soil in preparation for athletic fields at HYPE's just-opened recreation center in Dearborn Heights, 13 miles west of Detroit. The RLF award to Wayne County was made with EPA funds provided through the American Recovery and Reinvestment Act. While EPA officials consider this a success story, the associated land transfer from

MICHIGAN PROFILE

May 2012

Wayne County Parks to the developer was questioned in an article by the *Detroit Free Press*. EPA had nothing to do with the land transfer, and the last media mention of the issue was two months ago.

Message:

- Federal funding both created construction jobs and made possible development of a long-term asset for Southeast Michigan residents.

Contact: Matt Didier, Brownfields, 312-353-2112, didier.matthew@epa.gov

Issue: Suburb Ordered to Shut Off Water Plant – Highland Park

Background/Status: On April 25 Michigan Department of Environmental Quality ordered Highland Park to stop supplying drinking water to the public from its treatment plant and to provide water from an alternate supplier until the city contracts to purchase potable water or corrects its many violations. Highland Park is seven miles north of Detroit and has 12,000 residents. The violations include excessive turbidity, plant operation deficiencies and lack of certified operator-in-charge. MDEQ has attempted numerous times to initiate corrective actions to bring the system into compliance without much progress. Lack of financial resources is a major part of the problem at Highland Park.

Message:

- EPA officials support the state's efforts to fix the problems at the Highland Park water plant.
- The problems pose public health risks so residents will need an alternative water supply.

Contact: Thomas Poy, Water Division, 312-886-5991, poy.thomas@epa.gov

Issue: EGT Injection Wells Approved but Not Operating Yet – Romulus

Background/Status: Last September, EPA made a final decision to issue two Class 1 permits to Environmental Geo-Technologies to operate two commercial hazardous waste injection wells in the Detroit suburb of Romulus. Community members and public officials, including Senator Levin and Congressmen Dingell and Knollenberg, had opposed the wells for more than 15 years. Congressman Dingell attended the public hearing last summer for the permits and in his testimony said the wells were neither wanted nor needed. EPA has received no official correspondence from the congressman's office about the wells since the hearing. In issuing its final permit decision, EPA provided responses to more than 200 comments submitted by elected officials and the public.

No one has appealed EPA's federal permit or two state permits on the wells to the courts or review boards. EPA has to approve results from the company's well stress test and needs to review a list of waste sources before the Agency will authorize injection to actually start. Neither of those documents has been submitted to EPA yet. In 2005, EPA and Michigan issued permits so the original owner, Environmental Disposal Systems, could operate the wells. EDS subsequently failed to comply and went bankrupt. The wells were shut down in 2006.

Messages:

- Waste injection hasn't begun. EPA must first approve a well test and a list of waste sources before the company can begin operations, and that information has not yet been submitted.
- EPA followed all regulatory requirements during the permit application review, draft permit development, and final permit decision process and answered dozens of comments from officials and the public.

MICHIGAN PROFILE

May 2012

- The final permits impose strict new conditions controlling well operations, testing, and reporting to prevent a recurrence of past problems.

Contact: Allan Batka, Water Division, 312-353-7316, batka.allan@epa.gov

Issue: Consent Decree with Refining Companies – Detroit

Background/Status: On April 5, the Department of Justice and EPA lodged a global consent decree settlement with Marathon Petroleum Company LP and Catlettsburg Refining LLC to resolve alleged violations of the Clean Air Act at Marathon's six U.S. oil refineries, including Detroit. The injunctive relief will reduce the amount of waste gas flares and improve the efficiency of the flares. Marathon spent \$2.4 million investigating and developing the flare control requirements set forth in the decree and will spend at least \$51.5 million installing them. Emissions of volatile organic compounds are expected to be reduced by more than 5,600 tons per year and 138 TPY of hazardous air pollutants from all refineries. A mitigation project in Detroit will reduce emissions of VOCs an additional 10 TPY. This settlement is a win/win because the new controls will result in future cost savings for Marathon through reduced steam use and product recovery.

Message:

- The Clean Air settlement with Marathon is a success – it reduces emissions and saves money.

Contact: Brian Dickens, ARD, 312-886-6073, dickens.brian@epa.gov

Issue: Excess of Childhood Cancers Being Investigated – St. Clair County is “excess” a term of art?

Background/Status: The St. Clair County Health Department in collaboration with the Michigan Department of Community Health and the Centers for Disease Control and Prevention are investigating an excessive number of childhood cancers in St. Clair County (pop. 163,000). The county is located 50 miles north of Detroit and considered part of the Detroit metro area. The county seat is Port Huron. The county health department has identified eight cases of a rare childhood cancer that affects the kidneys, called Wilms Tumor. These cases were diagnosed between 2007 and 2011 and the number of occurrences is in excess of what would normally be expected based on national and state averages. County officials are also coordinating their investigation with neighboring Lambton County, Ontario. Wilms Tumor is highly responsive to surgery and subsequent treatment.

Message:

- To date, research has not found any strong links between Wilms tumor and environmental factors, either during a mother's pregnancy or after a child's birth.
- EPA officials recognize the science related to environmental exposures and cancers is currently lacking.

Contact: Maryann Suero, LCD, 312-886-9077, suero.maryann@epa.gov

Issue: Detroit River Sediment Cleanup Project – Detroit

Background/Status: Two companies, BASF Corp. and Arkema Inc., along with the Great Lakes National Program Office, are cooperating in the development of a large-scale sediment cleanup project in the Trenton Channel of the Detroit River. The Detroit River is a Great Lakes Area of Concern. As part of separate RCRA Corrective Actions at the BASF and Arkema facilities in Wyandotte and Riverview, investigations showed the two industrial sites have released contaminants into the channel sediment.

MICHIGAN PROFILE

May 2012

Rather than cleaning two smaller areas where the facilities are responsible for contamination, the companies are cooperating with GLNPO in a feasibility study for a much larger, area-wide sediment cleanup project under the Great Lakes Legacy Act to manage the elevated levels of mercury, PCBs, PAHs, DNAPL and elevated pH levels. The feasibility study, expected by the end of June, will evaluate alternative approaches to sediment remediation and identify a preferred cleanup alternative. With the continued cooperation of the two companies, public engagement will take place later this year, and construction could begin in 2013. Both companies will continue to remain subject to RCRA corrective action authorities before, during and after Legacy Act project completion. The work conducted as part of the Legacy Act project will be assessed as part of the potential final remedy for the site.

Messages:

- EPA and facility cooperation can lead to win-win situations for the companies and the environment;
- The cleanup will make substantial progress toward delisting the Trenton Channel as an AOC.
- EPA will seek public comment later this year on the cleanup plan selection process.

Contacts: Juan Thomas, LCD, 312-886-6010, thomas.juan@epa.gov; Carolyn Bury, LCD, 312-886-3020, bury.carolyn@epa.gov

Issue: High Incidence of Childhood Lead Poisoning – Detroit

Background/Status: Lead poisoning continues to be a problem in Michigan, particularly in Detroit. Data from the Michigan Department of Community Health (MDCH) shows that 3,911 out of 30,812 children (12.7%, or 1 out of every 8 child) tested were found to have blood lead levels of 5 micrograms per deciliter (µg/dl), the current target level, or greater. Some 714 children (2.3%) had blood lead levels of 10 µg/dl or greater, the previous benchmark. The rate of lead poisoning above 10 µg/dl or greater is significantly higher than the latest national average of 0.83%. In addition, the number of children with elevated blood lead levels in Detroit was about 58% of all such cases reported in Michigan. CDC does not report on blood lead levels less than 10 µg/dl. The compilation and use of this information has recently been affected by CDC's plans to eliminate funding for the blood lead surveillance program. The elimination of CDC funds for these programs will affect states and cities' ability to track, consolidate, and evaluate reported cases of elevated blood lead levels in children. This will in turn have a negative effect on the implementation and enforcement of federal and state lead abatement programs.

To further address lead poisoning, in 2008 EPA issued the Renovation, Repair and Painting (RRP) rule. This rule requires that renovation contractors disturbing lead paint complete required training and follow prescribed work practice standards. It has a much broader scope in protecting state residents than the current lead abatement program. Last year EPA amended the RRP rule to require states have the authority to assess administrative or civil fines up to \$5,000 per violation per day. The MDCH does not currently have such authority. If the state fails to amend its legislation and rules to establish this authority, the MDCH will not be able to receive authorization of an RRP program and EPA may have to commence withdrawal of the authorization of its abatement program as well.

Messages:

- Although Michigan has an EPA-authorized lead abatement program, it does not yet have an authorized lead renovation program.

Contact: Ludmilla Koralewska, LCD, 312-886-3577, koralewska.ludmilla@epa.gov

MICHIGAN PROFILE

May 2012

Issue: Source Investigation at Ten-Mile Drain Site – St. Clair Shores

Background/Status: The Ten-Mile Drain site is located in St. Clair Shores, 18 miles northeast of Detroit. It was placed on the NPL in 2010 due to persistent PCB contamination entering the underground drainage system from an unknown source. EPA has undertaken several removal actions since 2002 to control the PCB contamination entering the drain, but the PCBs keep returning. Recently, investigators discovered concentrations of PCBs lying underneath four manhole vaults in the Ten-Mile Drain system. EPA staff thinks these pockets of PCBs are capable of re-contaminating the sediment and water inside the Ten-Mile Drain. The Agency is developing cleanup options to manage or remove the PCBs beneath the manhole vaults. In 2010 the Agency placed a series of small dams called weirs in the drain system to catch PCBs from entering the Lange and Revere streets canals. This April, EPA began monthly monitoring and removal of PCB oil and contaminated sediment that accumulate behind these weirs and a sediment trap at the drain outfall. EPA has also begun a comprehensive, site-wide remedial investigation/feasibility study.

Messages:

- EPA's recent investigation may have found the source of persistent PCB contamination in the Ten-Mile Drain system.
- Agency staff thinks the interim cleanup actions begun this spring will help prevent further environmental damage while EPA continues to investigate the PCB problem.

Contact: Colleen Moynihan, Superfund, 312-353-8196, moynihan.colleen@epa.gov

Issue: Windsor Residents Complain About Mysterious Hum – Detroit

Background/Status: Residents of Windsor, Ontario, report a mysterious hum apparently originating from an industrial area south of Detroit. The noise, described as a low-pitched rumble, has irritated Windsor residents since last summer, prompting hundreds of complaints, leading one resident to create a Facebook page and spurring a senior aide to Canada's foreign minister to visit the city to investigate. Testing conducted by the Canadian government determined the sound, known by locals as the "Windsor hum," comes from an area called Zug Island, a 600-acre, steel-making site on the U.S. side of the Detroit River in a suburb called River Rouge, Michigan. The River Rouge mayor says his constituents have no idea what the Canadians are talking about. Michigan's Department of Environmental Quality did investigate the issue last year but found nothing. EPA officials told the Canadians it's a state, not federal issue, according to the *Detroit Free Press*.

In 1981, the Reagan Administration concluded noise issues were best handled at the state and local level and closed the EPA Office of Noise Abatement and Control. EPA retains limited authority under the Noise Control Act of 1972 and the Quiet Communities Act of 1978 to investigate and study noise and its effects on broad industry sectors, educate the public regarding noise pollution and its adverse health effects, and evaluate the effectiveness of existing regulations for protecting public health. The Region 5 Administrator stated those limitations in an April letter to the Ontario Minister of the Environment.

Messages:

- EPA does not have the authority, funding or expertise to tackle site-specific noise issues.
- The Agency's position is that noise issues are best handled at the state and local levels.

Contact: From *Detroit Free Press* article, *RA correspondence*; John Peterson, OPA, 312-886-9858, peterjohn@epa.gov

MICHIGAN PROFILE

May 2012

Hot Issues – Statewide

Issue: S.S. Badger Owners Submit Permit Application – Ludington

Background/Status: Owners of the S.S. Badger on May 23 filed their formal application for an individual permit to EPA to continue operating the coal-powered boat on Lake Michigan. The permit application came the day before the start of the 2012 cruise season. The car ferry goes between Ludington, Michigan, and Manitowoc, Wisconsin. Along with the application, the ship owners submitted test data showing the vessel's discharges are well within the allowable limits set by Wisconsin, Michigan and EPA. Bob Manglitz, president of Lake Michigan Carferry, said multiple tests by EPA-approved laboratories show the Badger's discharges are a small fraction of the amount that has been routinely approved for similar permits on the Great Lakes. The executive said the company would continue to pursue other power sources for the Badger, namely conversion to liquefied natural gas.

EPA's proposed 2013 Vessel General Permit does not authorize coal ash discharges, so the Agency told the Badger operators they could apply for an individual NPDES permit. In developing a permit, EPA will determine the Best Available Technology to control discharges from the vessel, including technologies to eliminate the discharge. Separately, EPA is requiring effluent data to determine whether the discharge of coal ash slurry may violate water quality standards and needs limits. Upon accepting the permit application, EPA requested additional testing be done. EPA will review the permit application and once the Agency releases a draft permit the public will be able to submit comments. There is no deadline for completing the permit.

Meanwhile, the environmental group Save Our Great Lakes is sending lumps of coal attached to a postcard to every Michigan lawmaker. The postcard shows a photo of the Badger belching black soot and claims the boat dumps 8,000 pounds of coal ash into Lake Michigan every day it operates.

The Badger's 2012 season got off to a rocky start. On its first trip from Ludington, Michigan, on May 24, the Badger lost maneuvering power when an engine part broke and it struck a sandbar in the Manitowoc, Wisconsin, harbor. There was a four-hour wait for a tugboat to arrive and tow the Badger to its dock. The boat returned to Ludington on May 25.

Messages:

- EPA will review the Badger's permit application with an eye toward protecting Great Lakes water quality and the health of regional residents. The public will have the opportunity to comment on the Badger draft permit. There is no deadline for EPA to complete work on the permit application.

Contact: From *Ludington Daily News*, *Milwaukee Journal-Sentinel* articles; Sean Ramach, Water Division, 312-886-5284, ramach.sean@epa.gov

Issue: DuPont Drags Feet on Imprelis Claims – Statewide

Background/Status: Imprelis herbicide was conditionally registered in the fall of 2010. Beginning in June 2011, several states began getting complaints about damage to pine trees. Michigan was among several states with the largest number of complaints. Last August, EPA issued a Stop Sale, Use or Removal Order to the DuPont for potential violations of the Federal Insecticide, Fungicide, and

MICHIGAN PROFILE

May 2012

Rodenticide Act. Besides the toxic effects on evergreen trees, EPA also alleged the label was misbranded.

On May 21, the *Detroit Free Press* published an article saying hundreds of tree owners nationwide who submitted claims to DuPont are still waiting for their money. Other property owners who began the claims resolution process last year are still waiting to hear from the company, the newspaper reported. A DuPont spokeswoman told the *Free Press* claims have to be reviewed property-by-property so the process is slow, even though the company has 200 people working on the paperwork. The newspaper did say when claims are paid, settlements have been very generous, ranging from \$3,000 for younger trees to almost \$20,000 for old, large trees.

Messages:

- EPA is not involved in settling damage claims. The Agency is still investigating DuPont for possible violations of federal pesticide laws.
- The Michigan Department of Agriculture worked diligently to investigate incidents of Imprelis damage in the state.
- EPA and affected states anticipate facing future regulatory decisions for similar products containing the same active ingredients as Imprelis, and there is interest in gathering environmental data from sites where Imprelis was applied.
- An ongoing concern for this spring is the potential effects of Imprelis remaining in soil and the planting or replanting of trees in Imprelis-treated areas.

Contact: From *Detroit Free Press* article, Estrella Calvo, LCD, 312-353-8931, calvo.estrella@epa.gov

Issue: Enbridge - Kalamazoo River Segment Reopens – Marshall

Background/Status: A segment of the Kalamazoo River from Perrin Dam to Saylor's Landing was reopened to the public in April. Since the July 2010 Enbridge pipeline rupture, the largest inland waterway spill in U.S. history, 39 miles of the river from the source on Talmadge Creek near Marshall to Morrow Dam in Kalamazoo County had remained closed to all recreational activities. Enbridge estimates the pipeline break spilled 843,000 gallons of oil. EPA expects additional river segments will open later this year. The decision to open additional sections will be determined by local health agencies in consultation with EPA and state officials and based on the results of a submerged oil re-assessment.

This year, EPA will continue removing submerged oil but will allow lighter oil deposits to move naturally to areas where it can be trapped and retrieved. This method will allow work to continue as most of the river is opened to the public.

In other Enbridge news, state health officials have found no evidence of harmful contamination in drinking wells because of the pipeline spill. After monitoring groundwater in the area of the Enbridge spill, the Michigan Department of Community Health released a draft Public Health Assessment May 21 based on a year's worth of data. The agency found no oil-related organic chemicals in local drinking water supplies.

Message:

- EPA will ensure oil recovery continues and expedite the reopening of river segments to public recreational activities.

Contact: Ralph Dollhopf, Superfund, 231-301-0559, dollhopf.ralph@epa.gov

MICHIGAN PROFILE

May 2012

Related Issue: Enbridge - Documents Shed Light on Spill Timeline – Marshall

Background/Status: The National Transportation Safety Board on May 21 released photographs and 5,000 pages of documents related to the Enbridge pipeline rupture. The NTSB said it will announce an official cause of the spill this summer. The latest documents were posted on the Web without comment but they shed light on the sequence of events surrounding the event and the decisions made by Enbridge personnel in the company's control room in Edmonton, Canada. A review of the documents by the *Battle Creek Enquirer* newspaper reveals workers in the Edmonton control room doubted the severity of the incident at first, and therefore did not shut down the pipeline. They also show Enbridge has revamped some operations in response to the accident. A timeline included with documents indicated the 6B pipeline experienced an abrupt pressure drop at the Marshall Pumping Station around 6 p.m. on July 25, 2010, the same time a planned shutdown of the line was set to begin. An alarm signaling the pressure issue ended in a matter of minutes. It wasn't until 11:20 a.m., July 26, 17 hours and two control room shift changes after the first warning bell, that the leak was confirmed and valves on the line were closed.

Message:

- The responders from EPA and the other government agencies look forward to the NTSB final report so this kind of environmental disaster can be prevented in the future.

Contact: From *Battle Creek Enquirer* article; John Peterson, OPA, 312-886-9858, Peterson.john@epa.gov

Related Issue: Enbridge - Company Wants to Enlarge, Replace Pipeline – Marshall/Statewide

Background/Status: Enbridge Inc. has announced a \$3 billion system-wide infrastructure improvement project that includes enlarging the pipeline that ruptured near Marshall two years ago. The 286-mile-long line runs from Griffith, Ind., to Sarnia, Ontario. Some parts already have been replaced since the leak in July 2010 spilled more than 800,000 gallons of crude. An Enbridge spokesperson quoted by the *Associated Press* said the expansion is part of a project to increase oil flowing to refineries in the eastern U.S. and Canada. Supplies are rising partly because more oil is being mined from tar sands deposits in Alberta. Environmentalists say tar sands oil is more corrosive and toxic than conventional oil, but the Enbridge spokesperson refuted that, saying the effect on pipelines is the same. The pipeline travels 150 miles in Michigan.

Meanwhile, an Okemos, Michigan, lawyer is offering free legal help to landowners along the Enbridge pipeline route. The attorney is working with landowners to file petitions to intervene in the Michigan Public Service Commission proceedings regarding the pipeline expansion. A prehearing conference for the proposal is set for June 6 in Lansing. Enbridge has asked for a decision by Nov. 1. The lawyer said if landowners intervene in the commission proceedings they become an official party to the case and can influence routing and safety decisions.

Message:

- EPA doesn't make pipeline routing decisions but will be following the Michigan proceedings.
- If the U.S. State Department determines an expanded pipeline needs an environmental impact statement because it crosses an international border, then EPA will review and comment on it.

Contact: From *Associated Press* article; John Peterson, OPA, 312-886-9858, Peterson.john@epa.gov

MICHIGAN PROFILE

May 2012

Issue: Cleanup Work Continues at Tittabawassee River, Saginaw River and Bay Site – Saginaw

Background/Status: EPA and Dow Chemical Co. signed a legal agreement in 2011 requiring Dow to clean up sediment in a three-mile stretch of the Tittabawassee River next to Dow's Midland Plant. This stretch of the river is contaminated with chlorobenzenes and other chemicals rather than dioxin, the major contaminant at the rest of the site. The first of two phases of cleanup at this area will begin this June. This April work began to assess additional floodplain properties along the Tittabawassee River. These properties will be eligible for interim exposure controls. Last summer, 25 properties were identified and had exposure controls installed. Assessments are expected to be completed this year for additional eligible properties with installation and maintenance of controls to continue on all eligible properties until comprehensive cleanup options are developed and in place.

Messages:

- Cleanup work in the Tittabawassee River has started for the 2012 season.
- Work is being conducted and planned under an accelerated schedule that protects human health and the environment.
- EPA is committed to enhanced community involvement at the site beyond what is required by law, including activities that will involve stakeholders with many diverse views.

Contact: Mary Logan, SF, 312-886-4699, logan.mary@epa.gov

Issue: State and PRP Renegotiate CKD Site Cleanup – Little Traverse Bay

Background/Status: CMS Land Co. and CMS Capital LLC and the state of Michigan are in the process of negotiating an agreement for CMS to design, construct and operate a long-term cleanup plan under state oversight at the Little Traverse Bay cement kiln dust release site. The state and CMS are currently renegotiating the agreement, before finalizing it, to address potential changes in state law. This March, EPA reviewed the original cleanup agreement, and sent Michigan Department of Environmental Quality a letter stating the Agency has no objections. However, EPA will need to review the modified agreement before it is finalized.

The planned cleanup actions at the site include management of cement kiln dust in-place, targeted removal of clean groundwater to reduce overall leachate production, and collection of hazardous leachate from lakeshore trenches. The leachate would either be treated prior to discharge or disposed of in a deep injection well that was permitted by the EPA Underground Injection Control Program this February.

Messages:

- EPA will review the modified agreement and reevaluate its adequacy.
- Once the agreement is finalized, MDEQ will be the lead oversight agency for the site.

Contacts: Leslie Patterson, SF, 312-886-4904, patterson.leslie@epa.gov; Christine Liszewski, ORC, 312-886-4670, liszewski.christine@epa.gov

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